

**SUPREME COURT MINUTES  
MONDAY, JULY 13, 1998  
SAN FRANCISCO, CALIFORNIA**

S063167      Sierra Creason, a Minor, etc. et al., Plaintiffs and Appellants  
                 v.  
                 State Department of Health Services, Defendant and Respondent  
                 [T]he judgment of the Court of Appeal is reversed with directions  
                 to affirm the trial court order dismissing, without leave to amend,  
                 plaintiffs' action as against defendant State Department of Health  
                 Services.

Chin, J.

We Concur:  
                 George, C.J.  
                 Mosk, J.  
                 Baxter, J.  
                 Werdegarr, J.  
                 Brown, J.

Concurring Opinion by Kennard, J.

S062931      County of Santa Clara  
                 v.  
                 Delmer L. Perry et al., Respondents  
                 The finality of the opinion in the above entitled matter is hereby  
                 extended to and including August 13, 1998.

S071824      California Department of Corrections et al., Petitioners  
                 v.  
                 Marin County Superior Court, Respondent  
                 Thomas M. Thompson et al., Real Parties in Interest  
                 Petition for writ of mandate, seeking an order directing the Marin  
                 County Superior Court to vacate its order in Thompson v.  
                 Department of Corrections (Super. Ct. No. 174418), entered July 13,  
                 1998, is denied by the court.

S014664 People, Respondent

v.

Mario Lewis Gray, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to and including July 20, 1998.

S062533 In re James David Majors

on

Habeas Corpus

On application of petitioner and good cause appearing, it is ordered that the time to serve and file petitioner's reply to informal response to the petition for writ of habeas corpus is extended to and including July 30, 1998.

S063733 In re Steven Livaditis

on

Habeas Corpus

On application of petitioner and good cause appearing, it is ordered that the time to serve and file petitioner's reply to informal response to the petition for writ of habeas corpus is extended to and including August 17, 1998.

S065501 Rochelle C. Linder, Appellant

On application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's brief on the merits is extended to and including August 13, 1998.

S068192 In re Tameka C., a Person Coming Under the Juvenile Court Law

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People, Respondent

v.

Tameka C., Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief on the merits is extended to and including August 10, 1998.

No further extensions of time are contemplated.

S040704 People, Respondent

v.

Brian David Johnsen, Appellant

Upon request of appellant for appointment of counsel, Richard P. Stookey is hereby appointed to represent appellant Brian David Johnsen for the direct appeal in the above automatic appeal now pending in this court.

S062139 Kransco International Insurance et al., Respondents

v.

American Empire Surplus Lines Insurance Company, Appellant

The application of W. Stuart Parsons for permission to appear as counsel pro hac vice on behalf of Kransco International Insurance et al., is granted.

S071731 Fred M. Clark, Petitioner

v.

Alameda County Superior Court, Respondent

People, Real Party in Interest

The above-entitled matter is transferred to the Court of Appeal, First Appellate District, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition shall be denied.

Bar  
Misc.  
4186 In the Matter of the Application of the Committee of Bar Examiners of the State of California for Admission of Attorneys

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place:

(LIST OF NAMES ATTACHED TO ORIGINAL ORDER)

S045622 In re **Bernard L. Nizinski** on Discipline

It is ordered that probation previously ordered in S045622 (93-C-11067) be extended for a period of one year. Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and those costs are payable in accordance with section 6140.7 (as amended effective January 1, 1997).

S069873 In re **Jeffrey Allan Matz** on Discipline

It is ordered that **Jeffrey Allan Matz** be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for six years subject to the conditions of probation, including 30 days actual suspension and restitution, recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed March 13, 1998. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and shall be payable in accordance with Business and Professions Code section 6140.7.

S069877 In re **Paul Yanez** on Discipline

It is ordered that **Paul Yanez** be suspended from the practice of law for two years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 30 days. He is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order regarding stipulation filed January 13, 1998. Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 payable in accordance with Business and Professions Code section 6140.7 (as amended effective January 1, 1997).

S069878 In re **Gary Steven Kleinsman** on Discipline

It is ordered that **Gary Steven Kleinsman** be suspended from the practice of law for three years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to

practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of suspension be stayed, and that he be placed on probation for three years on condition that he be actually suspended for one year and until he makes restitution to Joe and Tessie Spagna in the amount of \$500, plus 10% interest per annum from July 1, 1997, and to Dr. Elliot D. Felman, or the Client Security Fund, if appropriate, in the amount of \$1,150, plus 10% interest per annum from February 1, 1997, and furnishes satisfactory proof thereof to the Probation Unit, State Bar Office of Trials, and until he provides to Vicky, Lauren, and Richard Mendoza a complete written accounting of the funds paid to him on their behalf. Should the period of actual suspension exceed two years, he shall remain suspended until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii). He is also ordered to comply with rule 955, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.\* He is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed March 17, 1998. It is further ordered that he take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and are payable in accordance with section 6140.7.

\*(See Business & Professions Code, § 6126, subd. (c).)

S069881 In re **Douglas Thomas Richardson** on Discipline

It is ordered that **Douglas Thomas Richardson** be suspended from the practice of law for two years, that execution of suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including 45 days actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Approving First Amended Stipulation filed February 27, 1998. Costs are awarded to the State Bar pursuant to Bus. & Prof. Code section 6086.10 and payable in accordance with Bus. & Prof. Code section 6140.7 as amended effective January 1, 1997.

S069882 In re **Edward D. Hume** on Discipline

It is ordered that **Edward D. Hume** be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order regarding the stipulation filed on March 5, 1998. It is further ordered that he take and pass the Multistate Professional Responsibility Examination, and provide the State Bar Probation Unit with satisfactory evidence of his passage of that examination, within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and are payable in accordance with Business and Professions Code section 6140.7.

S069884 In re **Alvin R. Lundgren** on Discipline

It is ordered that **Alvin R. Lundgren** be suspended from the practice of law for eighteen months, that execution of suspension be stayed, and that he be placed on probation for one year on condition that he be actually suspended for thirty days. He is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order regarding the stipulation filed March 12, 1998. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and those costs are payable in accordance with section 6140.7 (as amended effective January 1, 1997).

